CHILD ABDUCTION AND RECOVERY

1. Summary of Chapter 1399, Statutes of 1976

Chapter 1399, Statutes of 1976, added Sections 4600.1 and 4604 to, and amended Sections 5157, 5160, and 5169 of the Civil Code; added Section 278 and 278.5 to the Penal Code, and amended Section 11478.5 of the Welfare and Institutions Code, which increased the level of service provided by several county departments that must become involved in child custody matters. Prior to the enactment of this statute, parents or others interested in the custody of minors received no assistance from law enforcement agencies when their interests were pursued in court. This statute requires counties to actively assist in the resolution of custody problems and the enforcement of custody decrees. To accomplish this, several additional tools were provided to the courts and enforcement agencies in this legislation, including changes in the procedures for filing petitions to determine custody and enforce visitation rights, increased authorization to issue warrants of arrest to insure compliance, and increased access to locator and other information maintained by county and state departments. These activities increased the level of service provided to the public under Title 9 of Part 5 of the Civil Code, The Uniform Child Custody Jurisdiction Act.

2. Eligible Claimants

Any county incurring increased costs as a result of this mandate is eligible to claim reimbursement of these costs.

3. Types of Claims

A. Reimbursement Claims

A reimbursement claim is defined in GC Section 17522 as any claim filed with SCO by a county for reimbursement of costs incurred for which an appropriation is made for the purpose of paying the claim.

An actual claim may be filed by February 15 following the fiscal year in which costs were incurred. If the filing deadline falls on a weekend or holiday, the filing deadline will be the next business day. Since the 15th falls on a weekend in 2009 claims for fiscal year 2007-08 will be accepted without penalty if postmarked or delivered on or before February 17, 2009. Claims filed after deadline will be reduced by a late penalty of 10%, not to exceed \$10,000. A claim filed more than one year after the deadline cannot be accepted for reimbursement.

In order for a claim to be considered properly filed, it must include the Indirect Cost Rate Proposal (ICRP) if the indirect cost rate exceeds 10%. A more detailed discussion of the ICRP may be found in Section 8 of the instructions.

Documentation to support actual costs must be kept on hand by the claimant and made available to the SCO upon request as explained in Section 17 of the instructions.

B. Estimated Claims

Pursuant to AB 8, Chapter 6, Statutes of 2008, the option to file estimated claims has been eliminated. Therefore, estimated claims filed on or after February 16, 2008, will not be accepted by SCO.

4. Reimbursable Activities

For each eligible claimant all direct and indirect costs of labor, materials and supplies, contract services, training, and travel for the following activities only are eligible for reimbursement.

A. Compliance with Court Orders

- 1) Contact with children and other persons involved
 - a) Receipt of reports and requests for assistance.
 - b) Mediating with or advising individuals involved. Other departments may provide mediating services. In this case, indicate the department.
 - c) Locating missing or concealed offender and children.
- 2) Utilizing any appropriate civil or criminal court action to secure compliance
 - a) Preparation and investigation of reports and requests for assistance.
 - b) Seeking physical restraint of aoffenders and /or the children to assure compliance with court orders.
 - c) Process services and attendant court fees and costs.
 - d) Depositions.
- 3) Physically recovering the child(ren)
 - a) Travel expenses, food, lodging, and transportation for the escord and child(ren)
 - b) Other personal necessities for the child(ren). All items purchased must be itemized.

B. Court Costs for Out-of-Jurisdiction Cases

Court actions and costs in cases involving child custody or visitation orders from another jurisdiction, which may include, but are not limited to, utilization of the Uniform Child Custody Jurisdiction Act (Family Code Section 3400 through 3425) and action relating to the Federal Parental Kidnapping Prevention Act (42 USC 1738A) and the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (Senate Treaty Document 99-11, 99th Congress, 1st Session).

Cost of Foster Care

The cost of providing foster care or other short-term care for any child pending return to the out-of-jurisdiction custodian. The reimbursable period of foster home care or other short-term care may not exceed three days unless special circumstances exist.

Special circumstances must be justified. A maximum of ten days per child is allowable. Costs must be identified per child, per day. Costs must be reduced by the amount of state reimbursement for foster home care received by the county for the placed child(ren).

(2) Transportation Costs

- a) Travel, expenses, food, lodging, and transportation for the escort and child(ren).
- b) Other purchases of personal necessities for the child(ren) must be itemized. Recovered costs from any party of agency must be used as an offset against costs claimed.
- c) Securing appearance of the offender and/or child(ren) when an arrest warrants of other court order to produce the offender or child(ren) has been issued.

- i) Cost of serving arrest warrant or order and detaining the individual in custody, if necessary, to assure appearance in accordance with the arrest warrant or order.
- ii) Cost of providing foster home care or other short-term care for any child requiring such because of the detention of the individual having custody. The number of days for the foster home care or short-term care shall not exceed the number of days of the detention period of the individual having physical custody of the minor.
- d) Return of the illegally obtained or concealed child(ren) to the legal custodian or agency.
 - i) Cost of food, lodging, transportation, and other personal necessities for the child(ren) from the time he/she is located until he/she is delivered to the legal custodian or agency. Purchases of personal necessities must be itemized.
 - ii) Cost of an escort for the child(ren), including cost of food, lodging, transportation, and other expenses where such costs are a proper charge against the county. The type of escort utilized must be specified.
 - iii) Any funds received as a result of costs assessed against a defendant or other party in a criminal or civil action for the return or care of the minor(s) or defendant, if not part of a criminal extradition, must be shown and used against these costs.

5. Reimbursement Limitations

- A. Reimbursement is not allowed for costs associated with criminal prosecution, commencing with the defendant's first appearance in a California court for offenses defined in Sections 278 or 278.5 of the Penal Code, wherein the missing, abducted, or concealed child(ren) has been returned to the lawful person or agency.
- B. Any offsetting savings or reimbursement the claimant received from any source including, but not limited to, service fees collected, federal funds, and other state funds as a direct result of this mandate shall be identified and deducted so only net local cost is claimed.

6. Claim Forms

A. Form 2, Activity Cost Detail

This form is used to segregate the detailed costs by claim activity. A separate Form 2 must be completed for each activity being claimed. Costs reported on this form must be supported as follows:

1. Salaries and Benefits

Identify the employee(s), and/or show the classification of the employee(s) involved. Describe the mandated functions performed by each employee and specify the actual time spent, the productive hourly rate and related fringe benefits. In lieu of actual time, the average number of hours devoted to each function may be claimed if supported by a documented time study. A time study may be appropriate for functions that are relatively short in duration and repetitive. If the claim is based on a time study, submit with the claim all time documentation for the Controller's review of the study's precision and reliability.

Source documents required to be maintained by the claimant may include, but are not limited to, employee time records that show the employee's actual time spent on this mandate.

2. Materials and Supplies

Only expenditures that can be identified as a direct cost of this mandate may be

claimed. List the cost of materials consumed or expended specifically for the purpose of this mandate. Purchases made shall be claimed at the actual price after deducting for all cash discounts, rebates, and allowances received by the claimant.

Source documents required to be maintained by the claimant may include, but are not limited to, invoices, receipts, purchase orders and other documents evidencing the validity of the expenditures.

3. Contracted Services

Give the name(s) of contractor(s) who performed the services. Describe the activities performed by each named contractor, inclusive dates when services were performed, actual time spent performing the mandate and itemize all costs for services performed. Attach consultant invoices with the claim.

Source documents required to be maintained by the claimant may include, but are not limited to, contracts, invoices and other documents evidencing the validity of the expenditures.

4. Fixed Assets

List the purchase price of equipment and other capital assets acquired for the purpose of this mandate. These may include vehicles, or office equipment that are necessary for the performance of this mandate. Purchase price includes taxes, delivery, and installation costs. Explain the use of each asset. If an asset is acquired for the subject state mandate, but is utilized in some way not directly related to the program, on the pro-rated portion of the asset that is used for purposes of this program is reimbursable.

Source documents may include, but are not limited to, general and subsidiary ledgers, puchase orders, receipts, canceled warrants, inventory records, and other documents evidencing the purchases.

5. Travel

Travel expenses for mileage, per diem, lodging, and other employee entitlements are reimbursable in accordance with the rules of the local jurisdiction. Give the name(s) of the traveler(s), purpose of travel, inclusive dates, destination points, and costs.

Source documents required to be maintained by the claimant may include, but are not limited to, receipts, employee travel expense claims, and other documents evidencing the validity of the expenditures.

6. Training

The cost of training for activities specified in 6 A and B may be claimed. Give the title and subject of the training session, dates, location and name(s) of the employee(s) attending training associated with the mandate. Reimbursable costs include, but are not limited to, salaries and benefits of personnel conducting or attending the training, registration fees, transportation, lodging, and per diem. Child abduction training scheduled during the California Family Support Council's conferences, the annual advanced child abduction training sponsored by the California District Attorney Association, and all other professional training are reimbursable.

Source documents may include, but are not limited to, employee travel expense claims, receipts, training agendas, and other documents evidencing the training expenses.

B. Form -1.1, Reimbursement Source Summary

On Form -1.1 show details of any reimbursement received from the individuals or

agencies involved in these cases. Show the total amount of such reimbursements as a reduction of the amount claimed on Form -1. In addition, costs claimed must be reduced by the amount recovered from the charges imposed by the court.

Any amount received by a county and forwarded directly to the state must be reported on Form – 1, but will not reduce the amount of the claim.

Pursuant to GC section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter is subject to the initiation of an audit by the SCO no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. In any case, an audit shall be completed not later than two years after the date that the audit is commenced.

All documents used to support the reimbursable activities must be retained during the period subject to audit. If an audit has been initiated by the SCO during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings. Supporting documents shall be made available to the SCO on request.

C. Form 1, Claim Summary

This form is used to summarize direct cost by activity and compute allowable indirect cost for the mandate. Direct costs summarized on this form are derived from Form -2 and carried forward to form FAM-27.

Indirect costs may be computed as 10% of direct labor costs, excluding fringe benefits. If an indirect cost rate greater than 10% is used, include the Indirect Cost Rate Proposal (ICRP) with the claim. If more than one department is involved in the mandated program, each department must have their own ICRP.

D. Form FAM-27, Claim for Payment

This form contains a certification that must be signed by an authorized officer of the local agency. All applicable information from Form-1 must be carried forward to this form for the State Controller's Office to process the claim for payment.

	CLAIM FOR DAY	For State Controller Use	PROGRAM					
	CLAIM FOR PAY ant to Government Co D ABDUCTION AN	(19) Program Number 00013 (20) Date Filed (21) LRS Input		013				
(01) Claimant Ident	tification Number			Reimbursement Claim Data		<u></u>		
(02) Claimant Nam	ie			(22) FORM-1, (03)(a)				
Address				(23) FORM-1, (03)(b)				
				(24) FORM-1, (04)(1)(f)				
				(25) FORM-1, (04)(2)(f)				
Type of Claim	Estimated Claim	Reimbu	ursement Claim	(26) FORM-1, (06)				
	(03)	(09)		(27) FORM-1, (07)				
	(04)	(10)		(28) FORM-1, (09)				
	(05)	(11)		(29) FORM-1, (10)				
Fiscal Year of	(06)	(12)		(30)				
Cost Total Claimed	(07)	(13)		(31)				
	Penalty (Refer to claim	(14)		(32)				
instructions) Less: Prior Clair	m Payment Received	(15)		(33)				
Net Claimed Am	ount	(16)		(34)				
Due from State	(08)	(14)		(35)				
Due to State	(09)	(15)		(36)				
(37) CERTIFIC	ATION OF CLAIM							
mandated cost cla		rnia for th	is program, and certify	I am the officer authorized by the under penalty of perjury that I				
of costs claimed h	nerein; and such costs are f	or a new p	program or increased le ers and Guidelines are	or any grant or payment receive evel of services of an existing p e identified, and all costs claim	rogram	n. All offsetting		
				or payment of actual costs set i lifornia that the foregoing is true				
Signature of Autho	orized Officer			Date				
Torre Division								
Type or Print Name (38) Name of Cont	e act Person for Claim			Title				
, , , , , , , , , , , , , , , , , , , ,			Telephone Number					
			E-mail Address					

CHILD ABDUCTION AND RECOVERY Certification Claim Form Instructions

FORM FAM-27

- (01) Enter the payee number assigned by the State Controller's Office.
- (02) Enter your Official Name, County of Location, Street or P. O. Box address, City, State, and Zip Code.
- (03) Leave blank
- (04) Leave blank.
- (05) Leave blank.
- (06) Leave blank.
- (07) Leave blank.
- (08) Leave blank.
- (09) If filing a reimbursement claim, enter an "X" in the box on line (09) Reimbursement.
- (10) If filing a combined reimbursement claim on behalf of districts within the county, enter an "X" in the box on line (10) Combined.
- (11) If filing an amended reimbursement claim, enter an "X" in the box on line (11) Amended.
- (12) Enter the fiscal year for which actual costs are being claimed. If actual costs for more than one fiscal year are being claimed, complete a separate form FAM-27 for each fiscal year.
- (13) Enter the amount of the reimbursement claim from FORM-1, line (08). The total claimed amount must exceed \$1,000.
- (14) Reimbursement claims must be filed by **February 15** of the following fiscal year in which costs were incurred; otherwise the claims will be reduced by a late penalty. Enter zero if the claimed was timely filed, otherwise, enter the product of multiplying line (13) by the factor 0.10 (10% penalty), not to exceed \$10,000.
- (15) If filing a reimbursement claim or a claim was previously filed for the same fiscal year, enter the amount received for the claim. Otherwise, enter a zero.
- (16) Enter the result of subtracting line (14) and line (15) from line (13).
- (17) If line (16), Net Claimed Amount, is positive, enter that amount on line (17), Due from State.
- (18) If line (16), Net Claimed Amount, is negative, enter that amount on line (18), Due to State.
- (19) to (21) Leave blank.
- (22) to (36) Reimbursement Claim Data. Bring forward the cost information as specified on the left-hand column of lines (22) through (36) for the reimbursement claim, e.g., Form-1, (03)(a), means the information is located on Form-1, block (03), column (a). Enter the information on the same line but in the right-hand column. Cost information should be rounded to the nearest dollar, i.e., no cents. Indirect costs percentage should be shown as a whole number and without the percent symbol, i.e., 7.548% should be shown as 8. Completion of this data block will expedite the payment process.
- (37) Read the statement "Certification of Claim." If it is true, the claim must be dated, signed by the district's authorized officer, and must include the person's name and title, typed or printed. Claims cannot be paid unless accompanied by an original signed certification. (To expedite the payment process, please sign the form FAM-27 with blue ink, and attach a copy of the form FAM-27 to the top of the claim package.)
- (38) Enter the name, telephone number, and e-mail address of the person to contact if additional information is required.

SUBMIT A SIGNED ORIGINAL, AND A COPY OF FORM FAM-27, WITH ALL OTHER FORMS AND SUPPORTING DOCUMENTS TO:

Address, if delivered by U.S. Postal Service:

OFFICE OF THE STATE CONTROLLER ATTN: Local Reimbursements Section Division of Accounting and Reporting P.O. Box 942850 Sacramento, CA 94250 Address, if delivered by other delivery service:

OFFICE OF THE STATE CONTROLLER ATTN: Local Reimbursements Section Division of Accounting and Reporting 3301 C Street, Suite 500 Sacramento, CA 95816

State Controller's Office					Locai	vianuateu	FORM
Program 013	MANDATED COSTS CHILD ABDUCTION AND RECOVERY CLAIM SUMMARY						
(01) Claimant (02)							
							/
Claim Statistics							
(03) (a) Number of cases for	compliance	with court c	orders				
(b) Number of out-of-juris	sdiction cas	es					
Direct Costs			Ob	ject Accou	nts		
(04) Reimbursable Activities	(a) Salaries	(b) Benefits	(c) Materials And Supplies	(d) Contract Services	(e) Fixed Assets	(f) Travel And Training	(g) Total
A. Compliance with Court Orders							
B. Court Costs for Out-of- Jurisdiction Cases							
(05) Total Direct Costs							
Indirect Costs							
(06) Indirect Cost Rate	Indirect Cost Rate [From ICRP or 10%]						
(07) Total Indirect Costs	Indirect Costs [Refer to claiming instructions]						
(08) Total Direct and Indirect Costs [Refer to claiming instructions]							
Cost Reduction							

[Line (09) - {line (10) + line (11)}]

(11) Total Claimed Amount

(10) Less: Other Reimbursements

(09) Less: Offsetting Savings

013

MANDATED COSTS CHILD ABDUCTION AND RECOVERY CLAIM SUMMARY

FORM

1

- (01) Enter the name of the claimant.
- (02) Enter the fiscal year of claim.
- (03) Enter the number of cases claimed for each reimbursable activity.
 - (a) Number of Cases for Compliance with Court Orders. Enter the number of cases processed during the fiscal year that were related to the compliance with court orders. When calculating the number of cases, a case that is open and closed and open again due to another incident, counts as two cases.
 - (b) Number of Out-of-jurisdiction Cases. Enter the number of out-of-jurisdiction cases received during the fiscal year.
- (04) Reimbursable Activities. For each reimbursable activity, enter the total from Form 2, line (05), columns (d) through (h) to Form 1, block (04), columns (a) through (e) in the appropriate row. Total each row.
- (05) Total Direct Costs. Total columns (a) through (f).
- (06) Indirect Cost Rate. Indirect costs may be computed as 10% of direct labor costs, excluding fringe benefits, without preparing an ICRP. If an indirect cost rate of greater than 10% is used, include the Indirect Cost Rate Proposal (ICRP) with the claim.
- (07) Total Indirect Costs. If the 10% flat rate is used for indirect costs, multiply Total Salaries, line (06)(a), by the Indirect Cost Rate, line (06). If an ICRP is submitted and both salaries and benefits were used in the distribution base for the computation of the indirect cost rate, then multiply the sum of Total Salaries, line (05)(a), and Total Benefits, line (05)(b), by the Indirect Cost Rate, line (06). If more than one department is reporting costs, each must have its own ICRP for the program.
- (08) Total Direct and Indirect Costs. Enter the sum of Total Direct Costs, line (05)(f), and Total Indirect Costs, line (07).
- (09) Less: Offsetting Savings. If applicable, enter the total savings experienced by the claimant as a direct result of this mandate. Submit a detailed schedule of savings with the claim.
- (10) Less: Other Reimbursements. If applicable, enter the amount of other reimbursements received from any source including, but not limited to, service fees collected, federal funds, and other state funds, that reimbursed any portion of the mandated cost program. Submit a schedule detailing the reimbursement sources and amounts.
- (11) Total Claimed Amount. Subtract the sum of Offsetting Savings, line (09), and Other Reimbursements, line (10), from the Total Direct and Indirect Costs, line (08). Enter the remainder on this line and carry the amount forward to form FAM-27, line (13) for the Reimbursement Claim.

State Controller's Office **Mandated Cost Manual**

Program

MANDATED COSTS

FORM

0	13	CAR-1.1		
(01)	Claimant		(02) Fiscal Year	•
(03)	Enter the information	for columns (a) through (d).		
	(a)	(b)	(c)	(d)
	Cost Component	Case Number or Name	Reimbursement Source	Amount
(04)	Total			

State Controller's Office Mandated Cost Manual

Program 013

CHILD ABDUCTION AND RECOVERY REIMBURSEMENT SOURCE SUMMARY Instructions

FORM CAR-1.1

- (01) Enter the name of the claimant.
- (02) Enter the year for which costs were incurred. A separate form CAR-1.1 must be completed for each fiscal year's claim.
- (03) (a) List the cost component (1) Compliance with Court Orders or (2) Court Costs for Out-of-Jurisdiction Cases.
 - (b) Enter the case number or name of the child.
 - (c) Enter the reimbursement source.
 - (d) Enter the amount of reimbursement for the custody of minor programs the county has received from defendants, other individuals, or the State Foster Care Program.
- (04) Total the amount of reimbursement received and carry this amount to form CAR-1, line (10), Other Reimbursements.

<mark>013</mark>

MANDATED COSTS CHILD ABDUCTION AND RECOVERY ACTIVITY COST DETAIL

FORM

2

(01) Claimant			(02)	Fiscal Yea	ar			
(03) Reimbursable Activities: C	heck only	one box p	er form to	identify the	e activity b	eing claime	ed.	
Compliance with Court Ord	ers		Co.	urt Costs f	or Out-of-J	urisdiction	Cases	
(04) Description of Expenses					Object A	ccounts		
(a) Employee Names, Job	(b)	(c) Hours	(d)	(e)	(f)	(g)	(h)	(i)
Classifications, Functions Performed and Description of Expenses	Hourly Rate or Unit Cost	Worked or Quantity	Salaries	Benefits	Materials And Supplies	Contract Services	Fixed Assets	Travel And Training
(05) Total Subtotal	Page .	of						
								•

CHILD ABDUCTION AND RECOVERY ACTIVITY COST DETAIL Instructions

FORM

2

- (01) Claimant. Enter the name of the claimant.
- (02) Fiscal Year. Enter the fiscal year for which costs were incurred.
- (03) Reimbursable Activities. Check the box that indicates the activity being claimed. Check only one box per form. A separate Form 2 shall be prepared for each activity.
- Description of Expenses. The following table identifies the type of information required to support reimbursable costs. To detail costs for the activity box "checked" in block (03), enter the employee names, position titles, a brief description of the activities performed, actual time spent by each employee, productive hourly rates, fringe benefits, supplies used, contract services, and travel and training expenses. The descriptions required in column (4)(a) must be of sufficient detail to explain the cost of activities or items being claimed. For audit purposes, all supporting documents must be retained by the claimant for a period of not less than three years after the date the claim was filed or last amended, whichever is later. If no funds were appropriated and no payment was made at the time the claim was filed, the time for the Controller to initiate an audit shall be from the date of initial payment of the claim. Such documents shall be made available to SCO on request.

Object/ Sub object	Columns								Submit supporting documents	
Accounts	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	with the claim
Salaries	Employee Name & Title	Hourly Rate	Hours Worked	Salaries= Hourly Rate x Hours Worked						
Benefits	Activities Performed	Benefit Rate			Benefits+ Benefit Rate X Salaries					
Materials and Supplies	Description of Supplies Used	Unit Cost	Quantity Used			Cost= Unit Cost X Quantity Used				
Contract Services	Name of Contractor Specific Tasks Performed	Hourly Rate	Hours Worked Inclusive Dates of Service				Cost=Hourly Rate x Hours Worked or Total Contract Cost			Copy of Contract and Invoices
Fixed Assets	Description of Equipment Purchased	Unit Cost	Usage					Cost=Unit Cost x Usage		
Travel and Training	Purpose of Trip Name and Title Departure and Return Date	Per Diem Rate Mileage Rate Travel Cost	Days Miles Travel Mode						Total Travel=Rate x Days or Miles	
Training	Employee Name and Title Name of Class		Dates Attended						Registration Fee	

(05) Total line (04), columns (d) through (i) and enter the sum on this line. Check the appropriate box to indicate if the amount is a total or subtotal. If more than one form is needed to detail the activity costs, number each page. Enter totals from line (05), columns (d) through (i) to form 1, block (04), columns (a) through (f) in the appropriate row.